

CLASSIFICATION OFFICE DECISION

Title of publication: french hooker raped by pimp in underground.mpg.avi

Other known title(s): Not stated

OFLC ref: 1200900.013

Medium: Computer Moving Image File

Director: Not stated

Producer: Not stated

Country of origin: France

Language: French

Applicant: The District Court at Wellington

Classification:	Objectionable.
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Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

Date of entry in Register: 02 November 2012

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

	Components	Running time
Timed component(s):	french hooker raped by pimp in underground.mpg.avi	8:05
Total running time:		8:05

Summary of reasons for decision:

The publication is classified as objectionable because it promotes and supports the use of coercion and violence to compel a person to submit to sexual conduct. The computer moving

image file depicts a violent rape. The publication is recognisable as a controversial scene from the French film Irreversible (OFLC: 300049 and FLBR: 401147) which has been classified by the Film and Literature Board of Review as objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years and for the purposes of theatrical exhibition or study in tertiary institutions only.

This publication receives a more restrictive classification than the film Irreversible which it has been taken from. The scene of extreme sexual violence taken in isolation, in the absence of considerable contextualising factors provided by the original film, can only exist for the purpose of sexual arousal. An alternative reading is not possible. The publication therefore clearly promotes and supports the use of coercion and violence to compel a person to submit to sexual conduct.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 on the application of the classification criteria. The classification of this publication interferes with the freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of the Films, Videos, and Publications Classification Act 1993 are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support the use of violence to compel a person to submit to sexual conduct.